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October 18, 2011

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

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WASHINGTON

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RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad, LLC* —
Abandonment Exemption—in Yalobusha and Calhoun Counties, MS

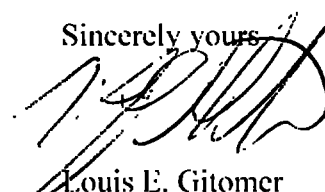
Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of a Petition for Exemption to exempt, under 49 U.S.C. 10502, Mississippi & Skuna Valley Railroad, LLC's abandonment of its 21-mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yalobusha and Calhoun Counties, MS from the prior approval requirements of 49 U.S.C. 10903, a check for the filing fee of \$6,300, and a disc containing a WORD version of the Petition and a pdf.

Please time and date stamp the extra copy of this letter and the Petition for Exemption and return with the messenger. Thanks you for your assistance.

If you have any questions, please call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for: Mississippi & Skuna Valley
Railroad, LLC

INTER-
OFFICE
FILED
Part of
Public Record

Enclosure

FILED
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SURFACE
TRANSPORTATION BOARD

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TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-1089X

MISSISSIPPI & SKUNA VALLEY RAILROAD, LLC
—ABANDONMENT EXEMPTION—
IN YALOBUSHA AND CALHOUN COUNTIES, MS

PETITION FOR EXEMPTION

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MISSISSIPPI & SKUNA VALLEY RAILROAD, LLC
ATTORNEYS
TOWSON, MD
STATE OF
PUBLIC RECORDS

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Attorneys for: Mississippi & Skuna Valley
Railroad, LLC

Dated: October 18, 2011

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-1089X

MISSISSIPPI & SKUNA VALLEY RAILROAD, LLC
—ABANDONMENT EXEMPTION—
IN YALOBUSHA AND CALHOUN COUNTIES, MS

PETITION FOR EXEMPTION

Mississippi & Skuna Valley Railroad, LLC (“MSV”) petitions the Surface Transportation Board (“Board”) to exempt, under 49 U.S.C. § 10502, MSV’s abandonment of its 21-mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yalobusha and Calhoun Counties, MS (the “Line”) from the prior approval requirements of 49 U.S.C. § 10903.

Abandonment will allow MSV to avoid costs incurred by continued ownership of the Line. There was no traffic moving over the Line at the time MSV acquired the Line from the Mississippi & Skuna Valley Railroad Company (“MSVR”). No traffic had moved over the MSVR since April 17, 2008. At that time, the only shipper on the Line was Weyerhaeuser NR Company, MSVR’s parent company.

PROPOSED TRANSACTION

MSV proposes to abandon the 21-mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yalobusha and Calhoun Counties, MS. The Line traverses U.S. Postal Zip Codes 38915 and 38922. A colored map of the Line is attached as Exhibit A (and at the end of this pleading in Exhibit G). Exhibit B consists of the Combined Environmental and Historic Report. The draft Federal Register Notice is in Exhibit C, and copies of the newspaper publication and the required certification are in Exhibit D. The certificate of service is in Exhibit E.

Based on information in MSV's possession, the Line does contain federally granted right-of-way. There are stations at milepost 0.0 at Bruce Junction and milepost 21 at Bruce. Any documentation in MSV's possession concerning title will be made available to those requesting it.

BACKGROUND

MSV received authority from the Board to acquire the 21.0 miles of rail line, including any branch lines, from MSVR in a decision served on November 5, 2010.¹ At the time MSV acquired the Line from the MSVR no traffic had moved over the Line since April 17, 2008.

There has been no demand for service over the Line since MSV acquired it. Therefore, MSV has not operated over the Line and has not incurred operating costs or generated revenue from the Line. The Line is listed as Federal Railroad Administration ("FRA") Class I track. As described below, abandoning the Line will permit MSV to save (1) the annual maintenance costs of the Line of approximately \$126,000 and (2) opportunity costs of \$374,217. MSV will salvage

the track and materials, which have an estimated net liquidation value of \$1.832.000. MSV would like to donate the real estate and right-of-way for a trail.

Upon receipt of abandonment authority, MSV plans to salvage the track and materials on the Line, but leave the bridges and culverts necessary for interim trail use/rail banking in place. The track and materials will be sold as scrap.

A. MSV will incur costs to maintain the Line.

MSV has kept maintenance costs to a minimum since its acquisition of the Line. Using the Board's average maintain cost of \$6,000 per mile of Line, *e.g. Delta Southern Railroad Inc.—Abandonment Exemption—in Desha and Chicot Counties, AR*, STB Docket No. AB-384 (Sub-No. 3X), (STB served March 25, 2011) and *Conrail—Aband.—between Warsaw and Valp Counties, IN*, 9 ICC2d 1299, 1304 (1993). MSV would incur maintenance costs of \$126,000 for 21.0 miles of line.

B. Calculation of opportunity costs.

Opportunity costs (or total return on value of road property) reflect the economic loss experienced by a carrier from forgoing a more profitable alternative use of its assets. Under *Abandonment Regulations—Costing*, 3 I.C.C.2d 340 (1987), the opportunity cost of road property is computed on an investment base equal to the sum of: (1) allowable working capital; (2) the net liquidation value (NLV) of the line; and (3) current income tax benefits (if any) resulting from abandonment. The investment base (or valuation of the road properties) is multiplied by the current nominal rate of return, to yield the nominal return on value. The nominal return is then adjusted by applying a holding gain (or loss) to reflect the increase (or decrease) in value a carrier will expect to realize by holding assets for 1 additional year.²

¹ *Mississippi & Skuna Valley Railroad, LLC—Acquisition and Operation Exemption—Mississippi & Skuna Valley Railroad Company*, STB Finance Docket No. 35429, (STB served Nov. 5, 2010).

² *Wisconsin Central Ltd.—Abandonment—in Ozaukee, Sheboygan and Manitowoc Counties, WI*, STB Docket No. AB-303 (Sub-No. 27) (STB served October 18, 2004), at 10-11.

1. Calculation of net salvage value (“NSV”).

A&K Railroad Materials, Inc. (“A&K”) specializes in salvaging rail lines. Based on MSV’s records, an inspection of the Line, the latest costs of rail materials, and the cost of removal and transportation, A&K calculates the NSV of the track and material on the Line to be \$1,832,000 (See Exhibit F).

2. Calculation of the value of real estate (“VRE”).

The VRE has been calculated by Main Line Rail Management, Inc. to be \$333,455, based on its extensive experience in the field of railroad valuation. Hence, the net liquidation value (“NLV”) of the Line is \$2,165,455. NLV does not include the value of bridges, culverts, and crossing, which MSV intends to leave in place for interim trail use.

3. Calculation of 15 days working capital.

Working capital for the computation of opportunity costs is calculated as 15 days of the costs of the Line. Therefore, MSV has used the maintenance costs (\$126,000), divided them by 365 and multiplied that amount by 15 to arrive at the 15 days of working capital of \$5,178.

4. Nominal cost of capital.

The Board has accepted the nominal cost of capital for a Class III railroad of 17.24 percent.³ Therefore, MSV has decided to use 17.24 percent as the nominal cost of capital in calculating the opportunity costs of the Line.

5. Income tax consequences.

³ *Central Oregon & Pacific Railroad, Inc.- Abandonment and Discontinuance—in Coos, Douglas, and Lane Counties, OR*, STB Docket No. AB-515 (Sub-No. 2) (STB served October 31, 2008).

The book value of the Line is \$2,165,455. The NLV of \$2,165,455 less the book value yields no gain. Therefore, sale of the Line will have no tax consequences as used in the calculation of opportunity costs.

6. Holding gain.

Because of the volatility of the market for scrap and reusable steel and the decline in the market for real estate, MSV estimates that there will be no holding gain or loss in the current economic environment. The Board has accepted such an analysis.⁴

7. Calculation of Opportunity Costs.

The following Table shows the opportunity cost calculation.

Working Capital	\$ 5.178
NLV	\$2,165,455
Taxes	\$ 0
Holding Gain	\$ 0
Valuation	\$2,170,633
Nominal Rate of Return	17.24%
Opportunity Cost	\$ 374,217

C. Alternate transportation.

The major highways serving the area are Mississippi Routes 330, 7, 9, and 32 as well as local roads. The Line runs parallel to Mississippi 330.

D. Summary.

Continued ownership and operation of the Line by MSV will continue to be a burden on MSV and interstate commerce. MSV will incur annual maintenance costs of \$126,000, and opportunity costs of \$374,217.

MSV contends that in balancing the harm to itself and interstate commerce against the harm to shippers and local interests, the balance clearly favors abandonment.

ARGUMENT SUPPORTING THE ABANDONMENT

MSV seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 in order to abandon the Line.

Under 49 U.S.C. § 10502, the Board must exempt a transaction from regulation when it finds that:

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and

(2) either:

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505:

⁴ See *Arizona & California Railroad Company—Abandonment Exemption—in San Bernardino and Riverside Counties, CA*, STB Docket No. AB-1022 (Sub-No. 1X) (STB served June 26, 2009), and *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA*, STB Docket No. AB-398 (Sub-No. 7X) (STB served June 6, 2008) at 4.

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 the Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brue Corp. v. United States*, 740 F.2d 1023 (D.C. Cir 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502. H.R. Rep. No. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application of 49 U.S.C. § 10903 Is Not Necessary to Carry Out the Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit. 49 U.S.C. § 10101 (2) and (7). There are no shippers on the Line and there has not been any interest in shipping over the Line since it was acquired by MSV. The last shipper to use the Line, three years ago, was the parent company of the MSVC, the former owner of the Line. Abandonment will allow MSV to avoid costs associated with maintaining the Line. Granting this exemption, therefore, fosters sound economic conditions and encourages efficient management by permitting the rationalization of an unnecessary rail line. 49 U.S.C. § 10101 (3), (5) and (9). Other aspects of the rail transportation policy are not adversely affected. For

example, competition and the continuation of a sound rail transportation system are not affected since the public will not be deprived of any needed rail services.

B. This Transaction Is Of Limited Scope

The proposed transaction is of limited scope. MSV seeks to abandon a 21 mile line Mississippi.

C. This Transaction Will Not Result In An Abuse Of Market Power.

MSV is abandoning the Line. There is no traffic shipped over the Line and there are alternative transportation services available. The major highways serving the area are Mississippi Routes 330, 7, 9, and 32 as well as local roads. The Line runs parallel to Mississippi 330.

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

A Combined Environmental and Historic Report is in Exhibit B.

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached hereto as Exhibit C.

LABOR PROTECTION

When a railroad abandons its entire line, the Board does not normally impose labor protection under 49 U.S.C. § 10502(g), unless the evidence indicates the existence of: (1) a corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. See Honey Creek R.R.—Aban. Exemption—in Henry Cnty., Ind., AB 865X (STB served Aug. 20, 2004); Wellsville, Addison & Galetton R.R.—Aban. of Entire Line in Potter & Tioga Cntys., Pa., 354 I.C.C. 744 (1978); and Northampton & Bath R.R.—Aban. Near Northampton & Bath Junction in Northampton Cnty, Pa., 354 I.C.C. 784

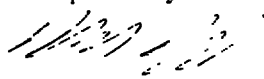
(1978). After abandonment, MSV's parent company and corporate affiliate will not continue similar operations. Nor will MSV's parent company realize substantial financial benefits over and above relief from the burden of its subsidiary railroad. The purpose of this abandonment is to reduce the burden on interstate commerce of an unnecessary expenditure where there is a lack of demand. Moreover, there are no employees on MSV since it has not operated since April 2008.

CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. § 10903 to the abandonment of the Line proposed by MSV is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously shown. Nor is Board regulation required to protect shippers from the abuse of market power. Moreover, this abandonment is of limited scope.

Accordingly, MSV respectfully urges the Board to grant an exemption for the proposed abandonment of the Line.

Respectfully Submitted.



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Melanie B. Yasbin, Esq.
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2205

Attorneys for: Mississippi & Skuna Valley
Railroad, LLC

Dated: October 18, 2011

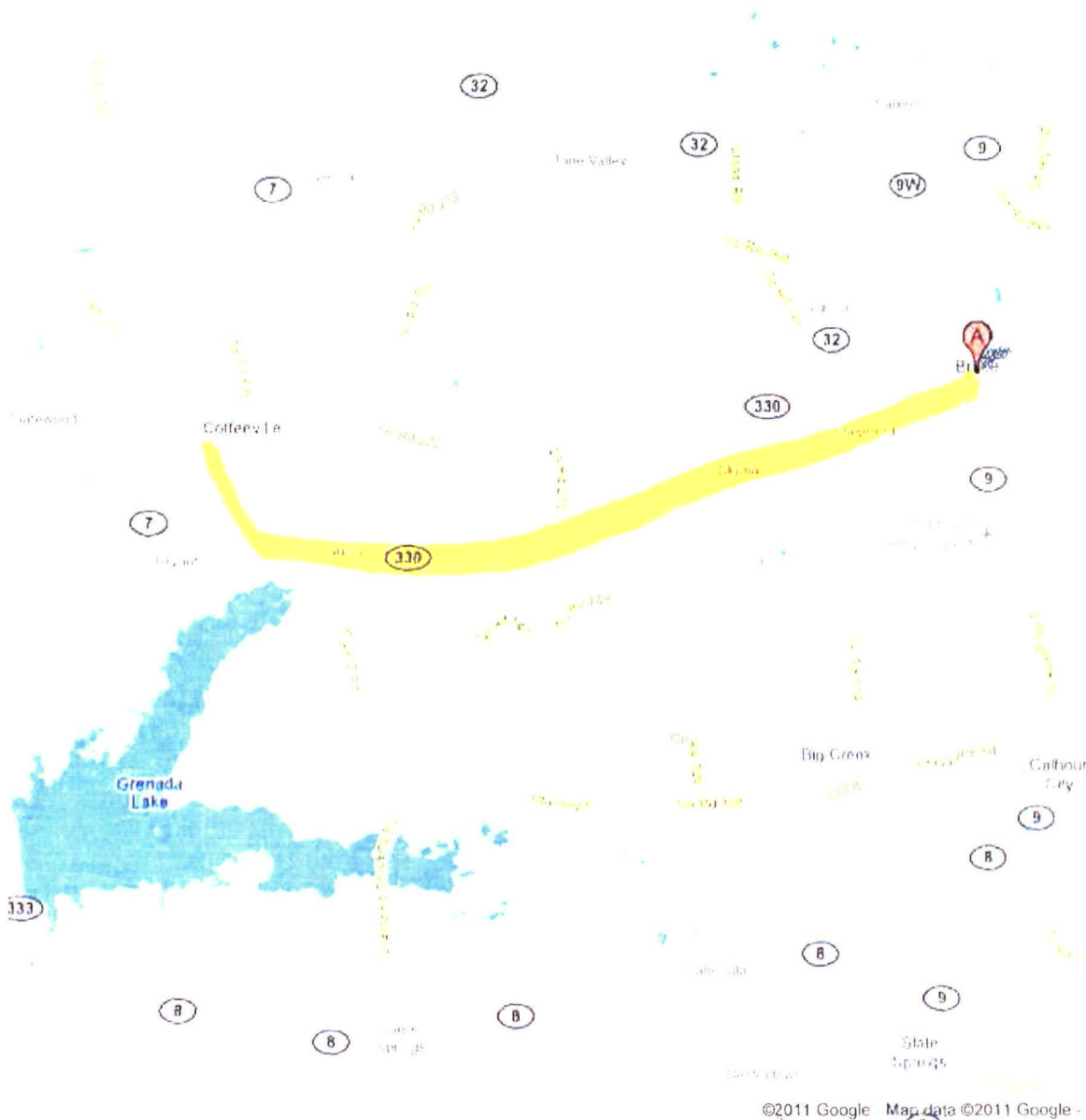
EXHIBIT A-MAP

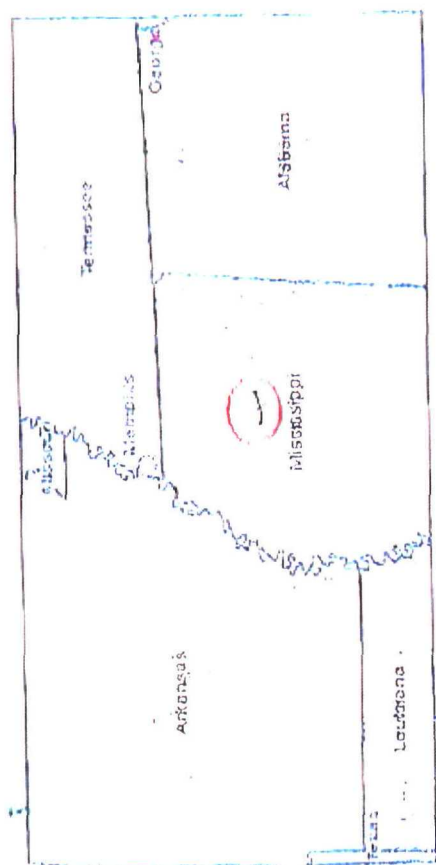


Address **Bruce, MS**

Get Google Maps on your phone

Text the word "GMAPS" to 466453





MS
MP 0.0

MSV Railroad

Sruce Lumber Mill

CN

Bruce Jct.
MP 21.0

EXHIBIT B—COMBINED ENVIRONMENTAL AND HISTORIC REPORT

COMBINED ENVIRONMENTAL AND HISTORIC REPORT
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-1089X

**MISSISSIPPI & SKUNA VALLEY RAILROAD, LLC- ABANDONMENT EXEMPTION-
IN YALOBUSHA AND CALHOUN COUNTIES, MS**

Dated: September 28, 2011

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Mississippi & Skuna Valley Railroad, LLC ("MSV") proposes to abandon the 21-mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yalobusha and Calhoun Counties, MS (the "Line"). Upon receipt of abandonment authority from the Surface Transportation Board (the "Board"), MSV will salvage the track and materials from the Line, but will leave the ballast, bridges and culverts in place for the use of the trail.

Abandonment of the Line will result in the removal of the rail. MSV does not intend to disturb any sub grade or sub grade structures and does not intend to remove any bridge structures. MSV proposes to convert the Line to interim trail use rail banking under 16 U.S.C. §1247(d) through the donation or sale of the Line to a trail group. The operations and maintenance of the line will cease. Removal of the Line will result in the elimination of 17 public road crossings and 10 private road crossings.

There has been no local or overhead traffic on the Line since April 17, 2008. The last shipper on the Line was Weyerhaeuser NR Company, the former owner of the Line.

The only alternative to a full abandonment would be for MSV not to abandon the Line. MSV received authority to acquire the Line from the Mississippi & Skuna Valley Railroad Company ("MSVC") *Mississippi & Skuna Valley Railroad, LLC – Acquisition and Operation Exemption-- Mississippi & Skuna Valley Railroad Company*, STB Docket No. FD 35429 (STB served November 5, 2010). At the time of acquisition there was no traffic moving over the Line. No traffic had moved over the MSVC for over 2 years prior to MSV's acquisition. The last shipper to use the Line was MSVC's parent company in April 2008. With little, if any, potential traffic, MSV has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) MSV considers the proposed abandonment to be consistent with existing land use plans. The area surrounding the Line is rural in nature.

MSV contacted the town of Bruce and the Counties of Yalobusha and Calhoun, MS, by letters dated September 28, 2011. See Exhibit 2. No response has been received as of this date. A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) MSV does not believe that there is any prime agricultural land that will be affected. MSV notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated September 28, 2011, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. A copy of this report has been supplied to the USDA for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) MSV believes the Line would be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency since there has been no traffic on the Line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year, or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage

(5) Air (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials

(6) Noise If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement

communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. MSV has never operated over the Line and MSVC, the previous owner, had not operated over the Line in more than two years.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) MSV is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) MSV does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. MSV notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated September 28, 2011, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. See Exhibit 2. A copy of this Report was supplied to the USF&W for its information and further comment.

(ii) While the Line is near the Calhoun County Wildlife Management Area, MSV does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

MSV notified the National Parks Service of the proposed abandonment by letter dated September 28, 2011, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. See Exhibit 2. To date, no response to this request has been received. A copy of this Report has been supplied to the National Park Service for its information and comment.

(9) Water (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) MSV is confident that the proposed abandonment will be consistent with applicable water quality standards. MSV contacted the Mississippi Department of Environmental Quality ("MDEQ") and the United States Environmental Protection Agency ("USEPA") by letters dated September 28, 2011. See Exhibit 2. To date, no response to this request has been received. A copy of this Report has been supplied to the MDEQ and USEPA for their information and comment.

(ii) MSV believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are

contemplated. MSV does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, MSV does not believe a permit under Section 404 of the Clean Water Act will be required.

MSV contacted the U.S. Army Corps of Engineers by letter dated September 28, 2011 and has received no response to date. See Exhibit 2. A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) MSV believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. MSV contacted the MDEE and the USEPA by letter dated September 28, 2011. See Exhibit 2. A copy of this Report has been supplied to the MDEE and USEPA for their information and further comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

MSV does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. MSV will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

U.S. Geological Survey Maps have been supplied to the Mississippi Historical Commission. See Exhibit 3.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

The 21-mile right-of-way is approximately 100 feet wide. The Line begins at East Railroad Street in Bruce, MS, and runs southwest crossing S. Pontotac Road and Thompson Street. It then crosses Country Roads 227, 231, and 245. After crossing Country Road 245 the Line runs SW and parallel to Highway 330. Continuing southwest, the Line crosses Airmount Court at both the east and west ends of the road. The Line then proceeds southwest crossing New Hope Road, Steen Drive, and Country Road 139. The Line crosses York Creek and Coney Creek prior to crossing Elams Road. At Elams Road the Line runs west crossing Country Road 179 and Country Road 194. At Country Road 194 the Line runs northwest crossing Durden Creek before crossing Country Road 77 and ending at the connection with Canadian National Railway.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

There are 32 bridges on the property that are 50 years old or older.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:

Not known.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

The MSV originally named the Mississippi & Schoona Valley Railroad Company was incorporated in June 1925 under the laws of Mississippi. The line was constructed from a connection with the Illinois Central Railroad at Bruce Junction, MS and follows a general northeasterly direction along the Skuna River to Bruce, MS. The line was completed on Sept. 1, 1926. MSV acquired a 21-mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yalobusha and Calhoun Counties, MS from MSVR in *Mississippi & Skuna Valley Railroad, LLC* --Acquisition and Operation Exemption--*Mississippi & Skuna Valley Railroad Company*. STB Finance Docket No. 35429, (STB served Nov. 5, 2010).

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

MSV possesses valuation maps and track charts of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

MSV believes that the bridges on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also MSV's opinion that there are no archeological resources or other railroad related historic properties in the project area. Moreover, since MSV is agreeable to converting the Line to interim trail use/rail banking, MSV does not plan to alter, remove or dispose of any of the bridges that are on the Line.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

Based on a review of its records, MSV believes that there are no known subsurface

ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

MSV does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, MSV will promptly supply the necessary information.

MSV contacted the Mississippi Department of Archives and History ("MDAH") by letter dated September 28, 2017. *See* Exhibit 2. No response has been received. A copy of this Report has been mailed to MDAH.

EXHIBIT 1 – MAP

Google maps

Address **Bruce, MS**

Get Google Maps on your phone
Text the word "GMAPS" to 466453



©2011 Google - Map data ©2011 Google

Class Railroads

V/V Railroad

NISV Railroad

Bruc's Timber Co.

22

210 210
210 210

EXHIBIT 2 – LETTERS

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MELANIE B. YASBIN
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September 28, 2011

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TEL 296-2255 • 202-466-6522
FAX 410-337-0855

Mississippi Historic Preservation Office
Mississippi Department of Archives and History
Address 1 P.O. Box 571
Jackson, MS 39289

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad LLC -
Abandonment Exemption - in Yalobusha and Calhoun Counties, MS*

Dear Sir/Madam:

On or about October 18, 2011 we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Mississippi & Skuna Valley Railroad, LLC to abandon an approximately 21 mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yalobusha and Calhoun Counties, MS (the "Line").

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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yasbin who may be contacted by telephone at 410-296-2250, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie Yasbin
Attorney for Mississippi & Skuna Railroad, LLC

Enclosure

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September 28, 2011

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U.S. National Geodetic Survey
Room 9292 NGS/12
1315 East-West Highway
Silver Spring, MD 20910

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad LLC*;
Abandonment Exemption- in Yalobusha and Calhoun Counties, MS

Dear Sir/Madam:

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Sincerely yours,

Melanie Yasbin
Attorney for Mississippi & Skuna Railroad, LLC

Enclosure

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September 28, 2011

U.S. National Park Service
100 Alabama Street, SW
Atlanta, GA 30303

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad, LLC -
Abandonment Exemption - in Yalobusha and Calhoun Counties, MS*

Dear Sir/Madam:

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Sincerely yours,

Melanie Yasbin
Attorney for Mississippi & Skuna Railroad, LLC

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September 28, 2011

FPA
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad LLC -
Abandonment Exemption-- in Yalobusha and Calhoun Counties, MS*

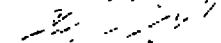
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Sincerely yours,


Melanie Yashin

Attorney for Mississippi & Skuna Railroad, LLC

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September 28, 2011

Yalobusha County
P.O. Box 664
Water Valley, MS 38965-0664

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad, LLC -
Abandonment Exemption- in Yalobusha and Calhoun Counties, MS*

Dear Madam Sir:

On or about October 18, 2011 we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Mississippi & Skuna Valley Railroad, LLC to abandon an approximately 21 mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yalobusha and Calhoun Counties, MS (the "Line").

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Sincerely yours,

Melanie Yashin
Attorney for Mississippi & Skuna Railroad, LLC

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September 28, 2011

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Director Cindy Dohner
U.S. Fish and Wildlife Service
Region 4
1875 Century Blvd., Suite 400
Atlanta, GA 30345

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad LLC -
Abandonment Exemption -in Yalobusha and Calhoun Counties, MS*

Dear Director Dohner

On or about October 18, 2011 we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Mississippi & Skuna Valley Railroad, LLC to abandon an approximately 21 mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yalobusha and Calhoun Counties, MS (the "Line")

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Sincerely yours,

Melanie Yasbin
Attorney for Mississippi & Skuna Railroad, LLC

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MR. AND MRS. YASBIN
Melanie@lgrllaw.com
410-296-2255

September 28, 2011

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-1022
TEL 202-245-0295 FAX 410-224-0885

Natural Resources Conservation Service - USDA
Federal Building, Suite 1321
100 West Capitol Street
Jackson, MS 39269

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad, LLC -
Abandonment Exemption in Yalobusha and Calhoun Counties, MS*

Dear Sir/Madam,

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Sincerely yours,

Melanie Yasbin
Attorney for Mississippi & Skuna Railroad, LLC

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PHONE: 410-296-2250 FAX: 410-653-0832
FAX: 410-653-0835

September 28, 2011

U.S. Army Corp of Engineers
Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad LLC -
Abandonment Exemption--in Yalobusha and Calhoun Counties, MS*

Dear Madam/Sir:

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Sincerely yours,

Melanie Yashin
Attorney for Mississippi & Skuna Railroad, LLC

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410-296-2250 (Fax) 410-333-3532
FAX: 410-333-0885

September 28, 2011

Mississippi Environmental Protection Agency
Mississippi Department of Environmental Quality
1 P.O. Box 2261
Jackson, MS 39289

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad LLC -
Abandonment Exemption - in Yalobusha and Calhoun Counties, MS.*

Dear Sir/Madam:

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Sincerely yours,

Melanie Yasbin
Attorney for Mississippi & Skuna Railroad, LLC

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September 28, 2011

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-3023
TEL: 202-225-0200 FAX: 202-466-1137
FAX: 410-332-0893

Mississippi State Clearinghouse
Mississippi Department of Finance and Administration, Clearinghouse Office,
501 North West Street, Suite 1301-E
Jackson, MS 39201

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad, LLC -
Abandonment Exemption—in Yalobusha and Calhoun Counties, MS*

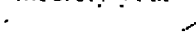
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Sincerely yours,


Melanie Yasbin
Attorney for Mississippi & Skuna Railroad, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

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410-296-2250

September 28, 2011

600 BALTIMORE AVENUE, SUITE 301
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410-296-2250/202-466-8512
FAX 410-296-0888

Mississippi Coastal Zone Management
Mississippi Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, MS 39530

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad, LLC -
Abandonment Exemption -in Yalobusha and Calhoun Counties, MS*


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Attorney for Mississippi & Skuna Railroad, LLC

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410-296-2250 x202 fax 410-296-2252
www.lgllaw.com

September 28, 2011

Calhoun County
P.O. Box 8
Pittsboro, MS 38951

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad, LLC -
Abandonment Exemption -in Yazobusha and Calhoun Counties, MS*

Dear Madam/Sir:

On or about October 18, 2011 we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Mississippi & Skuna Valley Railroad, LLC to abandon an approximately 21 mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yazobusha and Calhoun Counties, MS (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis at this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OE-A), Surface Transportation Board, 395 L Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-1089X.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OE-A (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yashin who may be contacted by telephone at 410-296-2250, email at Melanie@lguttlaw.com, or mail at Law Offices of Louis E. Guttmer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie Yashin
Attorney for Mississippi & Skuna Railroad, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GUTOMER, LLC

LOUIS E. GUTOMER
Louis@lgutllaw.com

MELANIE B. YASHIN
Melanie@lgutllaw.com
410-296-2255

September 28, 2011

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-3122
TEL: 296-2255 FAX: 296-6532
FAX: 410-377-5885

Bruce
P.O. Box 667
Bruce, MS 38915

RE: Docket No. AB-1089X, *Mississippi & Skuna Valley Railroad LLC -
Abandonment Exemption—in Yazobusha and Calhoun Counties, MS*

Dear Madam Sir:

On or about October 18, 2011 we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Mississippi & Skuna Valley Railroad, LLC to abandon an approximately 21 mile rail line between Bruce Junction, milepost 21.0 and Bruce, milepost 0.0, all in Yazobusha and Calhoun Counties, MS (the "Line").

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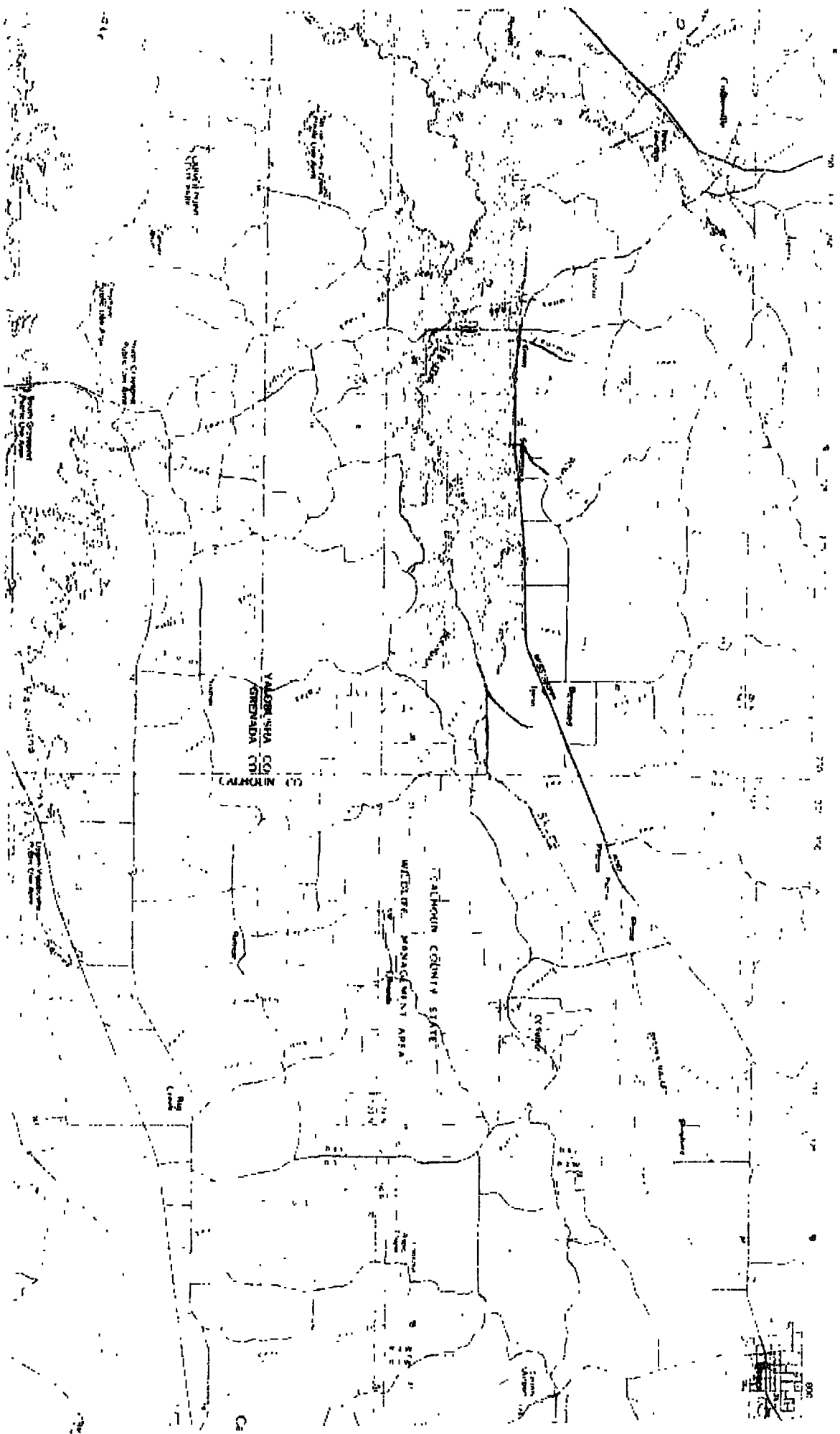
Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yashin who may be contacted by telephone at 410-296-2250, email at Melanie@lgutllaw.com, or mail at Law Offices of Louis E. Gutomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

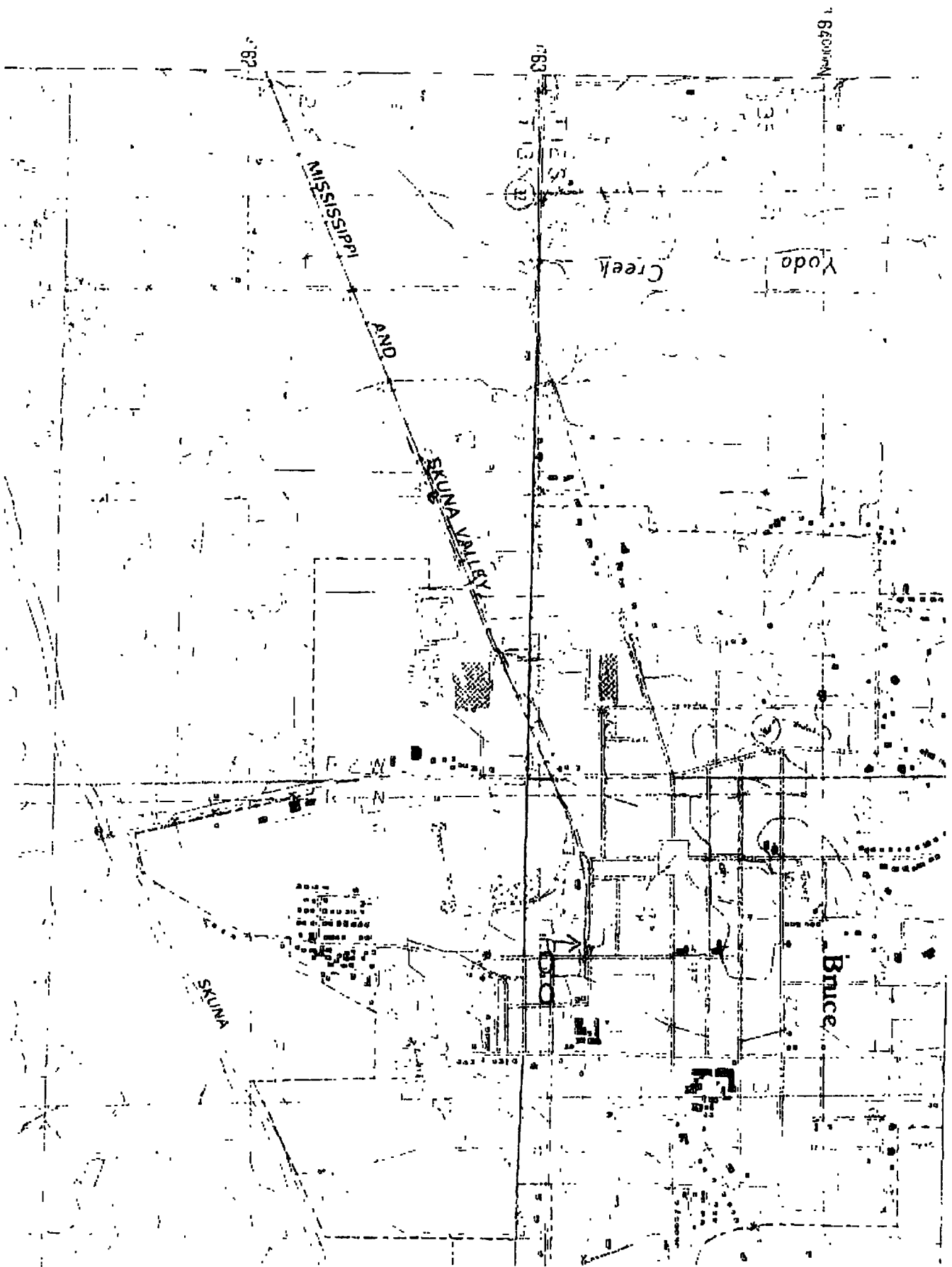
Sincerely yours,

Melanie Yashin
Attorney for Mississippi & Skuna Railroad, LLC

Enclosure

EXHIBIT 3 – USGS MAPS



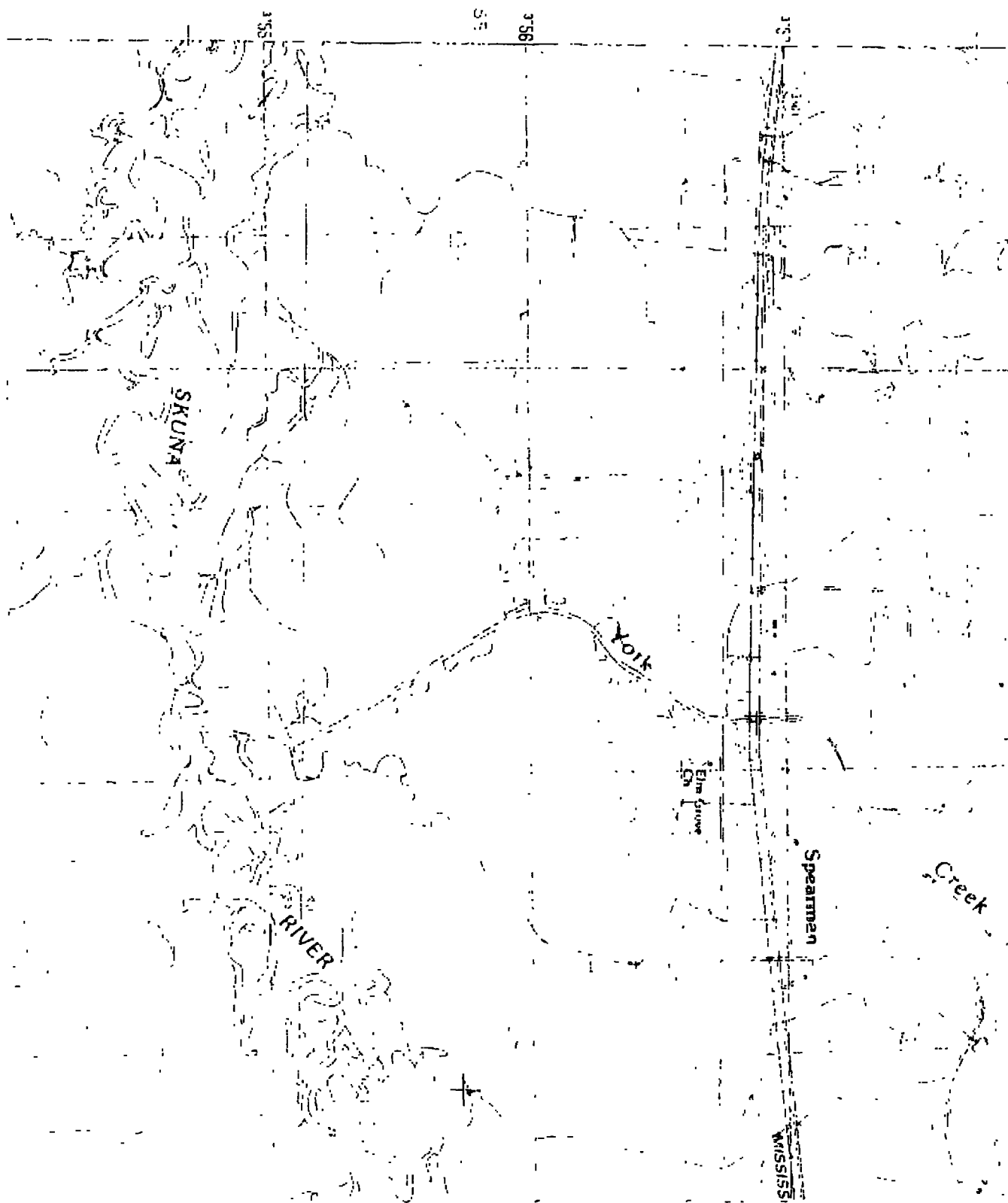


ILLINOIS STATE
MANAGEMENT AREA

STATE

UNIT AREA

Arroyo



Brice
Junction

Harmon Cam

MISSISSIPPI

SKUNA

VALLEY

Relocating
Loudwell Tower

Coney

Creek

Elm
O.

Cums

EXHIBIT 4 - BRIDGE PHOTOGRAPHS

MP .4
9/21/11



MP .4

9/21/11

